IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 610 OF 2006
IN
CRIMINAL APPEAL NO. 559 OF 2006

Joitaram Rekhaji Chaudhary ... Applicant
V/s.
The State of Maharashtra ... Respondent

Mr. Manoj J. Bhatt for the appellant.
Mrs. M.H. Mhatre, APP for the respondent-State.

CORAM : D.B. BHOSALE, J.
DATED : 30th June, 2006

P.C.

. The applicant has been convicted under Section 489-B and 489-C of IPC and sentenced to suffer RI for five years each under both the provisions. He was found receiving counterfeit currency notes at Marol Cafe Hotel, at Andheri. On appreciation of the evidence of all the witnesses examined by prosecution to bring home guilt of the accused, the charge against the applicant has been held to be proved.

2. The learned counsel for the applicant submits that the prosecution has failed to prove beyond reasonable doubt that the currency notes found in possession of the applicant were counterfeit notes. In support of this submission, he invited my attention to the evidence of P.W. 5. I perused the judgment

and in particular paragraph 23 thereof, wherein the learned Judge has discussed the evidence of P.W. 5. He was examined by the prosecution as expert witness who had given opinion during investigation that the notes in question were fake notes. I do not find any ground worth discarding evidence of this witness atleast at this stage. The order of conviction recorded by the trial court on appreciation of the evidence cannot be said to be perverse. In the circumstances, I am not in favour of granting bail to the applicant pending his appeal in this Court. Application is accordingly rejected. Hearing of the appeal is expedited.

[D.B. BHOSALE,J.]